

*Board of Zoning Appeals
Thursday, January 19, 2005
Regular Meeting - 10:00 A.M.
Phone # (937) 328-2495*

*Springview Developmental Center
Administration Building
3103 E. Main Street
Springfield, Ohio 45505*

AGENDA

- | | | |
|----|---|------------------------------------|
| 1. | Minutes - November 17, 2005 | Discussion &
Action |
| 2. | BZA-2006-1 - Variance
William and Polly Agle
S. Urbana Lisbon Road
Harmony Township | Discussion &
Action |
| 3. | BZA-2006-2 - Variance
Gregory W Powell
Baldwin Lane
Moorefield Township | Discussion &
Action |
| 4. | Election of Officers | Discussion &
Action |
| 5. | Adjournment | Action |

Minutes

Board of Zoning Appeals

Regular Meeting
Thursday, November 17, 2005

Springview Developmental Center
Administration Building
3130 E. Main Street
Springfield, Ohio 45505

Chairman Perkins called the meeting to order at 10 a.m.

Present: Mr. Rich Foster, Mr. Allen Perkins, Mr. Marvin Berschet, Mr. Wilfred Potter, and
Mr. Lonnie Barclay (arrived at 10:10 a.m.)

Also Present: Mr. Kelly Daniels, Clark County Zoning Inspector and other interested persons.

BZA-11-28-05 ~ Minutes ~ September 15, 2005

Motion by Mr. Foster, second by Mr. Berschet to approve the minutes as printed.

VOTE: Yes: Mr. Foster
Mr. Berschet
Mr. Perkins

Abstain: Mr. Potter

Motion passes

Mr. Perkins swears in speakers for the meeting

BZA-2005-14 ~ Variance ~ Michael N. & Margaret L. Bellows ~ 388 N. Houston Pike ~ Harmony Township.

Mr. Daniels explained the applicant was seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lots more than 10 acres in size shall have a minimum frontage of 350'. Granting the request would permit a 13.58 acre lot to be split with a total frontage of 30'. The applicant owns 24.46 acres and wants to split 13.58 acres for his son; who will construct a dwelling. The Clark County Combined Health Department has stated the soil was suitable for an on-site sewage disposal system.

Mr. Perkins calls for questions from staff.

Minutes

Board of Zoning Appeals

Mr. Perkins acknowledges Mr. Bellows.

Mr. Bellows defers until anyone opposing has spoken.

Mr. Hensley addresses the board. Inaudible.

Mr. Perkins asks Mr. Hensley if he is ever going to build his own house?

Response is inaudible.

Mr. Perkins states the lots can't be split off in another situation because the frontage is in the front and the variance being requested today won't allow any other splits.

Mr. Daniels states the only way additional splits could be done will be to rezone to residential and put a street in.

Mr. Perkins asks for any other oppositions.

_____ (inaudible) addresses the board. She states she lives 2 doors down from Mr. Hensley. Inaudible.

More discussion is held. Inaudible.

Mr. Perkins reiterates that this is a special variance and the only way this could be split again is to have this land rezoned residential and it becomes a housing project with a road. There are already two in Harmony Township with only two houses in it. He does not believe it would be developed.

Mr. Daniels states another tract cannot be sold of this without a public hearing.

More discussion. Inaudible.

Mr. Perkins states that this Board provides the citizens of Clark County to an opportunity to have a hardship or variance. Mr. Perkins calls for additional speakers. He acknowledges Mr. Bellows.

Mr. Bellows addresses the Board. Inaudible.

Mr. Perkins closes the public hearing and asks the Board members for further questions.

Board member asks Mr. Bellows if his son will build any outbuildings or barns in this area.

Minutes

Board of Zoning Appeals

Mr. Bellows states he will probably like to have a pole barn to store his equipment.

Responses inaudible.

BZA-11-29-05 ~ Variance ~ Michael N. & Margaret L. Bellows ~ 388 N. Houston Pike ~ Harmony Township.

Motion by Mr. Potter, second by Mr. Foster to approve the Variance of Chapter 2, Section A of the Clark County Zoning Resolution to permit a 13.58 acre lot to be split with a total frontage of 30'.

VOTE: Motion carried unanimously.

BZA-2005-15 ~ Variance ~ Chandler A Phillips for Jodi L. Penrod ~ 1292 Medway Carlisle Road ~ Bethel Township.

Mr. Daniels explained the applicant is seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lots in the A-1 (Agricultural) zoning district not served with public water supply and/or the disposal of sanitary wastes by means for public sewers shall have a total lot area of one acre. Granting the request would permit a 1.38 acre lot to be reduced to 0.91 acres. The applicant, Mr. Phillips wishes to purchase 0.47 acres from the adjoining 1.38 acre lot. Mr. Phillips wants to own the right-of-way easement for driveway access to his house and the house of an adjacent lot. If this variance is granted it would reduce the 1.38 acre lot to 0.91 acres.

Mr. Perkins opens the public hearing and calls for opposition.

No oppositions.

Mr. Phillips has no remarks but will answer questions.

Board member states that due to the small size of the lots is there any objections to adding stipulations stating that no extra buildings, barns or garages would be built on these lots.

No objections raised.

Mr. Daniels asks if the Board member is referring to the lot that is being reduced.

Yes.

Minutes

Board of Zoning Appeals

Mr. Daniels states you could put a stipulation but he does not know how it could be enforced because you are entitled to an outbuilding as long as you can meet the setbacks as required by zoning no matter the size of the lot. Acknowledges there is a lot less room but the Health Department has done their approval.

Inaudible response.

Board member states that you have to have enough room to have an additional septic system so that is going to limit you on building any other structures.

More discussion between board members and applicant held. Inaudible.

**BZA-11-30-05 ~ Variance ~ Chandler A. Phillips for Jodi L. Penrod ~ 1292
Medway Carlisle Road ~ Bethel Township**

Motion by Mr. Potter, second by Mr. Barclay to approve the Variance of Chapter 2, Section A of the Clark County Zoning Resolution to permit a 1.38 acre lot to be reduced to 0.91 acres.

VOTE: Motion carried unanimously.

**BZA-2005-16 ~ Variance ~ Greenon Local School District Board of Education ~ 1215 Old Mill
Road ~ Mad River Township.**

Mr. Daniels explained the applicant is seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lots 5 to 10 acres in size shall have minimum frontage of 250'. Granting the request would permit a 7.808 acre lot to be split with a total frontage of 191.44'. Mr. Tritle has been working with Sheridan and Associates. These lots are not split. This 5 acre lot has no frontage. It is my understanding it will wind up being part of one or the other lots.

Discussion inaudible.

Mr. Perkins opens public meeting.

Discussion held. Inaudible.

Mr. Daniels clarifies with the applicant the variance that is being requested.

Minutes

Board of Zoning Appeals

Discussion inaudible.

Mr. Perkins addresses Mr. Daniels with regards to the current zoning B-1S and if the 5 acres is attached will that become B-1S.

Mr. Daniels states the zoning on the 5 acres would not change to B-1S. Mr. Daniels points out an error on the zoning map.

Inaudible.

Mr. Perkins closes public hearing and calls for additional discussion from the Board members.

BZA-11-31-05 ~ Variance ~ Green Local School District Board of Education ~ 1215 Old Mill Road ~ Mad River Township.

Motion by Mr. Foster, second by Mr. Potter to approve the Variance of Chapter 2, Section A of the Clark County Zoning Resolution to permit a 7.808 acre lot to be split with a total frontage of 191.44'.

VOTE: Motion carried unanimously.

Adjournment

BZA-11-31-05 ~ Adjournment

Motion by Mr. Potter, second by Mr. Berschet to adjourn the meeting.

VOTE: Motion carried unanimously.

The meeting was adjourned at 10:30 a.m.

Allen Perkins, Chairman

BZA-2006-01 - Variance - Harmony Township
William and Polly Agle
South Urbana Lisbon Road, just south of 455 South Urbana
Lisbon Road on the west side

Date of Report: January 19, 2006

TO: Board of Zoning Appeals

FROM: Planning Staff

APPLICANT'S REQUEST:

The applicant is seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lots 40 acres or more in size shall have a minimum frontage of 500'. Granting the request would permit a 60' wide strip of land and a one acre lot to be split from a 131.76 acre tract, leaving a net frontage of 200.41' for the residual of about 126 acres. The property in question is located on S. Urbana Lisbon Road, just south of 455 S. Urbana Lisbon Road on the west side, Harmony Township.

STAFF'S ANALYSIS:

See attached letter of justification.

Board of Zoning Appeals
Clark County, Ohio
Request for Variance

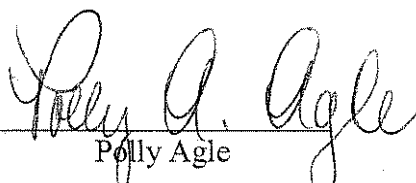
November 29, 2005

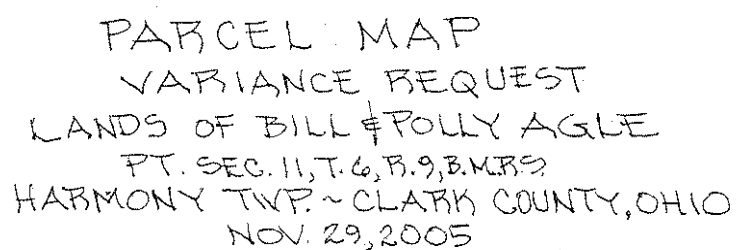
William and Polly Agle desire to convey to Loren Parker a 60' wide strip of ground off of the entire north side of their current 131.76-acre tract. This 60' wide parcel would be attached to said Parker's 114.63-acre tract of land that adjoins the Agle's property. The 60' wide strip of land would serve as an access to Parker's property from S. Urbana-Lisbon Road (State Route 54) and would not be used as a separate building site.

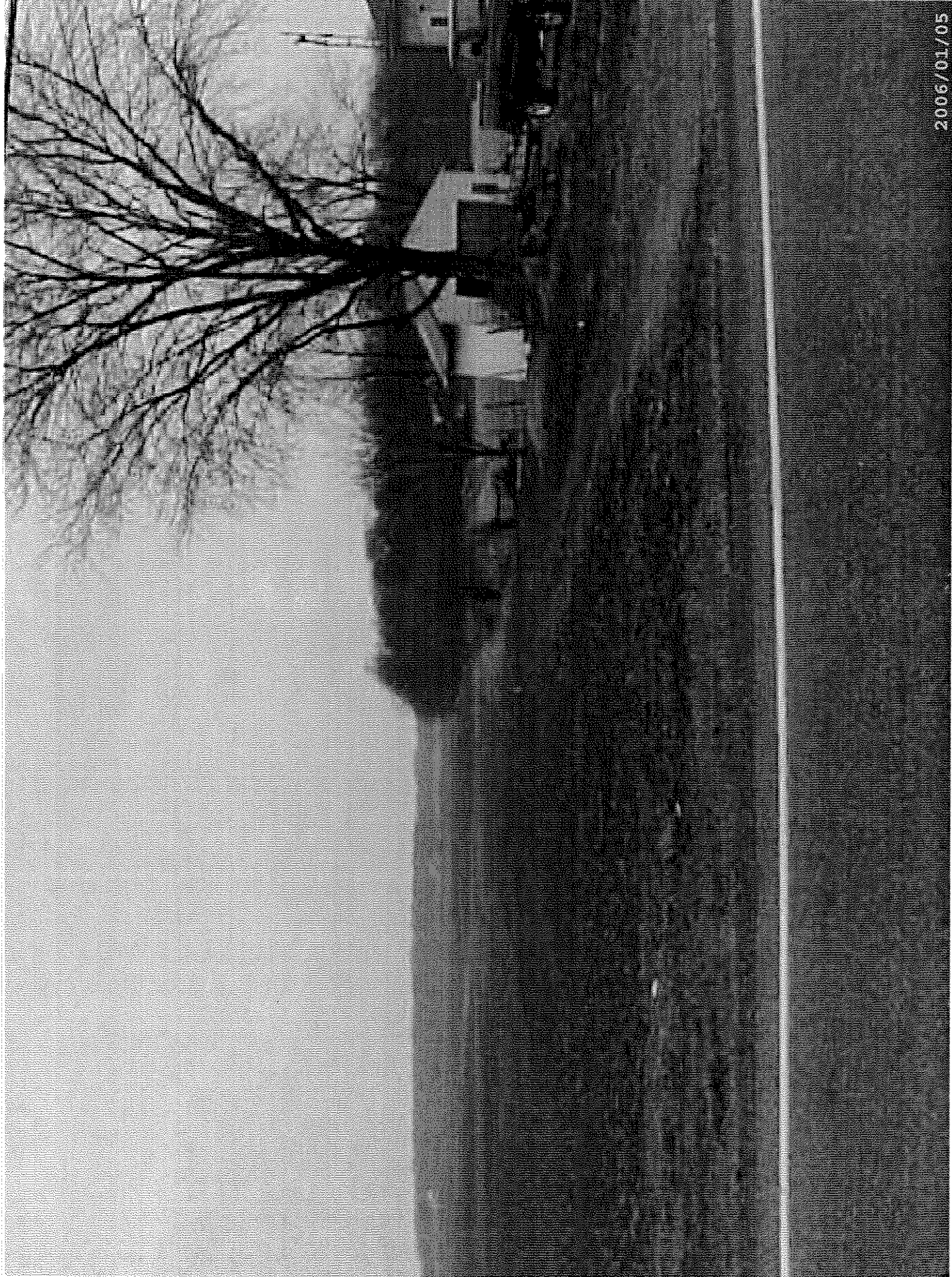
Also, the Agles are considering the possibilities of a one-acre lot subdivision along their remaining frontage. The current frontage of the Agle tract is 427.41 feet. The conveyance of a 60' strip of ground to Parker would result in a remaining frontage of 367.41 feet. The one lot subdivision could have as much as 167' of frontage, leaving a net residue frontage of 200.41 feet. The minimum road frontage (per zoning) of 500' is the reason for the variance request.

Respectfully,


William Agle


Polly Agle





2006/01/05

BZA-2006-02 - Variance - Moorefield Township
Gregory W. Powell
5880 Baldwin Lane

Date of Report: January 19, 2006

TO: Board of Zoning Appeals

FROM: Planning Staff

APPLICANT'S REQUEST:

The applicant is seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lots 10 to 39.99 acres in size shall have a minimum frontage of 350 feet. Granting the request would permit a 39.25 acre lot to be split with 121 feet of frontage with a residual of 35.77 acres with 811 feet of frontage. The property in question is located at 5880 Baldwin Lane, Moorefield Township..

STAFF'S ANALYSIS:

The applicant owns a 75.02 tract of land on Baldwin Lane. The northern half of the 75.02 acre tract has wooded areas, steep topography, and is in the 100 year flood zone. If the variance is granted, Mr. Powell will keep the productive 35.08 acre tract and sell the 39.25 acres.

Board of Zoning Appeals
Clark County, Ohio

Request for Variance

1871

December 1, 2005


I, Gregory W. Powell, have owned and farmed the delineated 75.02 acre tract of land on Baldwin Lane for the last 30 years. The southern 35.8 acre part of the 75.02 acres is a very manageable and productive piece of good farmland.

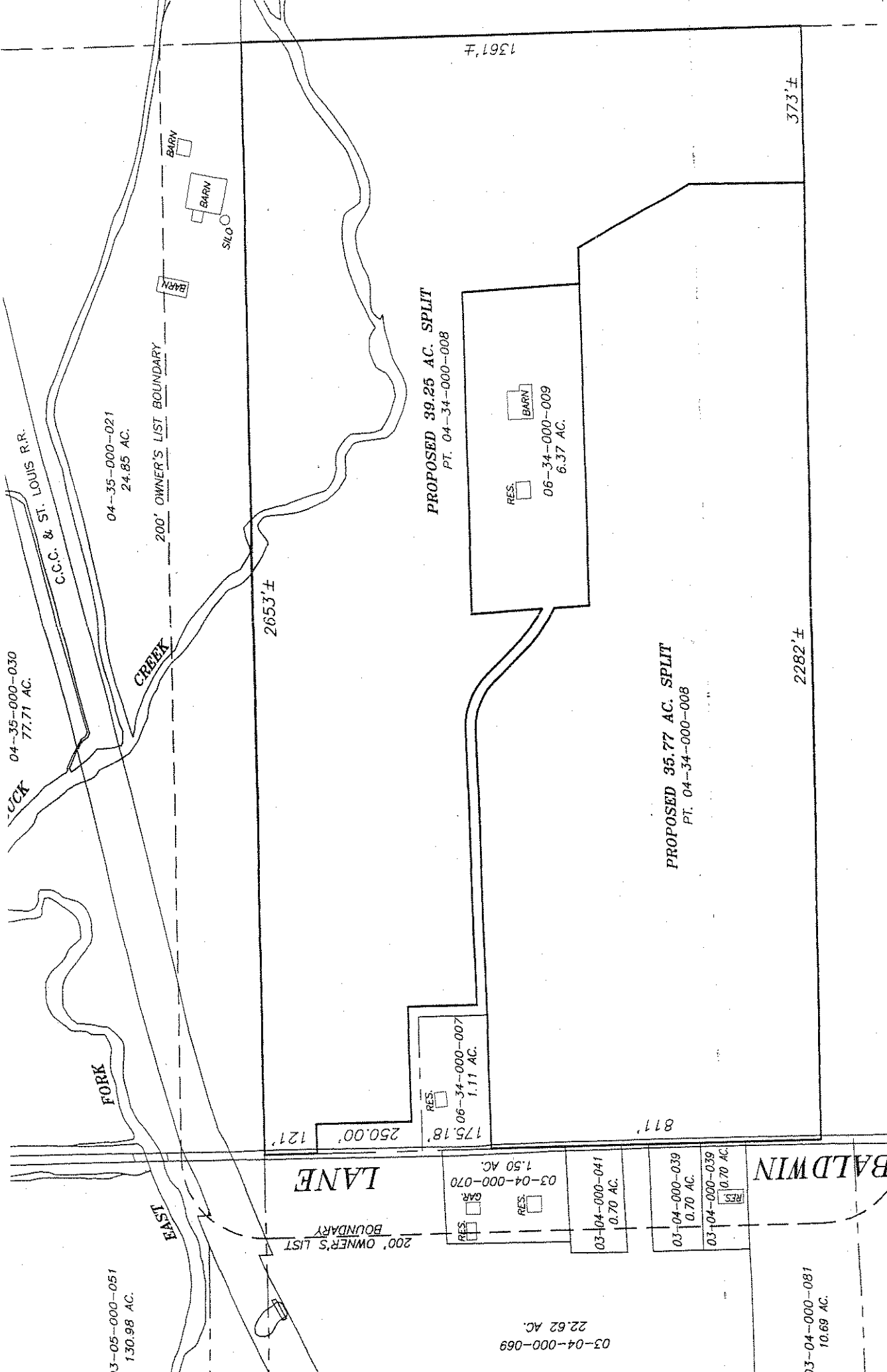
The northern 39.25 acre part of the 75.02 acres has been difficult to maintain and farm in a productive manner. It has several creek crossings, steep topography, and wooded areas, making for difficult accessibility.

It is my desire to continue to own and farm the above mentioned 35.8 acre tract and to sell the remaining land to another person and/or adjoining property owner.

I appreciate your consideration for this request.

Respectfully,


Gregory W. Powell



04-35-000-030
77.71 AC.

03-05-000-051
130.98 AC.

04-35-000-021
24.85 AC.

EAST

CREEK

200' OWNER'S LIST BOUNDARY

BARN

BARN

SILLO

200' OWNER'S LIST BOUNDARY

LANE

2653'±

121' 250.00' 175.18'

RES. ☐ 06-34-000-007
1.11 AC.

RES. ☐ 03-04-000-070
1.50 AC.

03-04-000-069
22.62 AC.

RES. ☐ 03-04-000-041
0.70 AC.

RES. ☐ 03-04-000-039
0.70 AC.

RES. ☐ 03-04-000-039
0.70 AC.

PROPOSED 35.77 AC. SPLIT
PT. 04-34-000-008

PROPOSED 39.25 AC. SPLIT
PT. 04-34-000-008

RES. ☐ 06-34-000-009
6.37 AC.

BARN

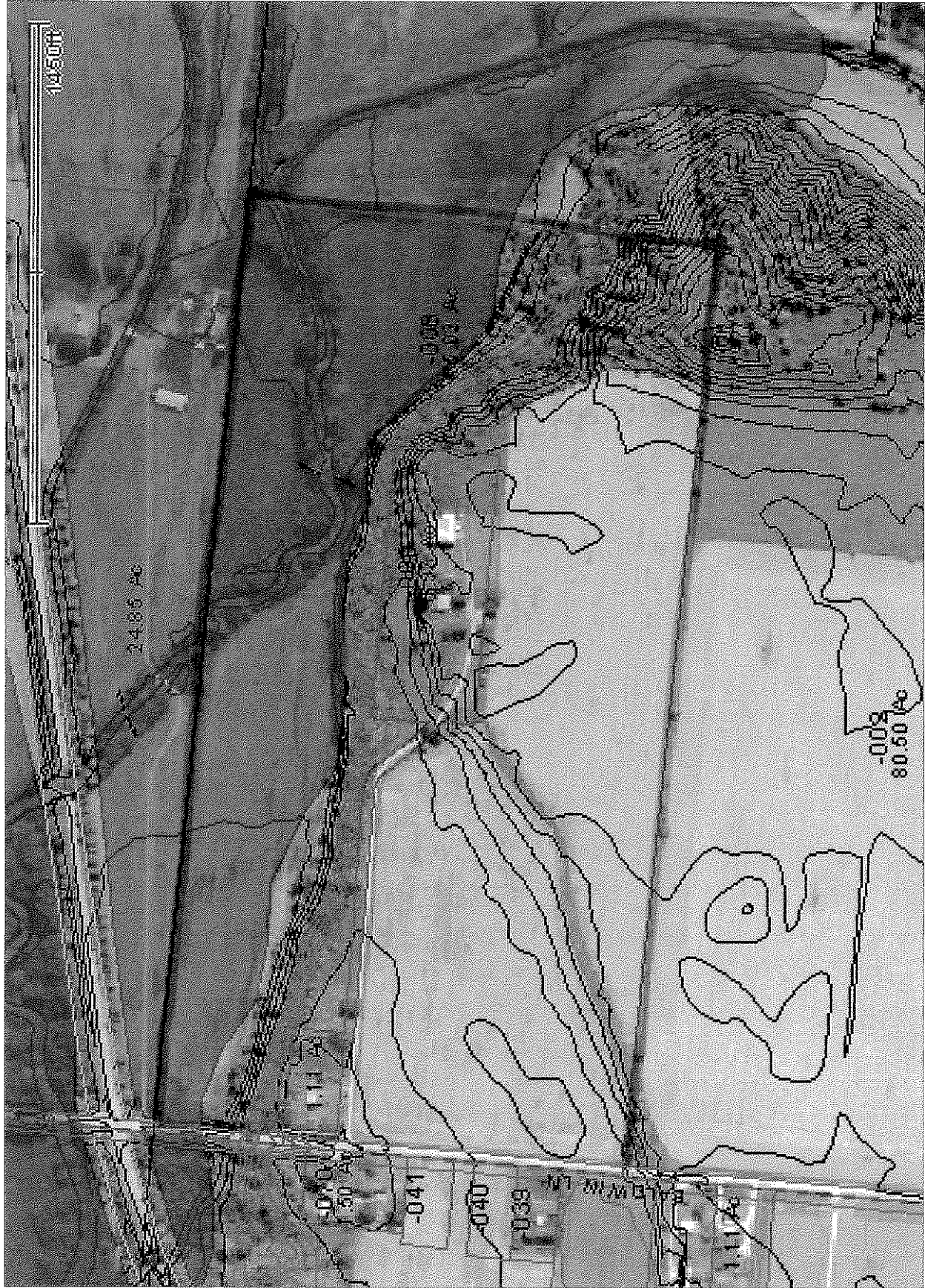
373'±

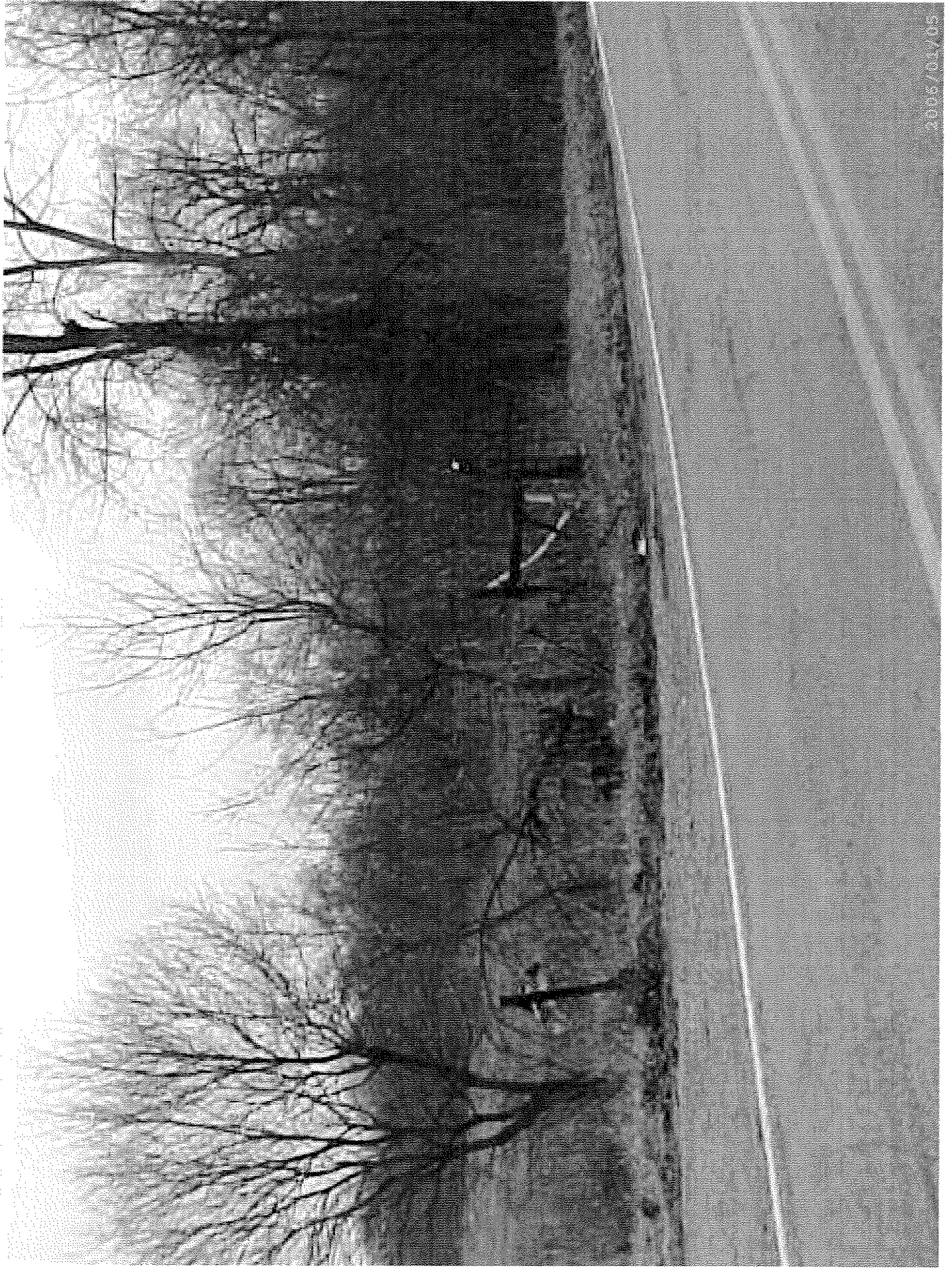
2282'±

03-04-000-081
10.69 AC.

BALDWIN

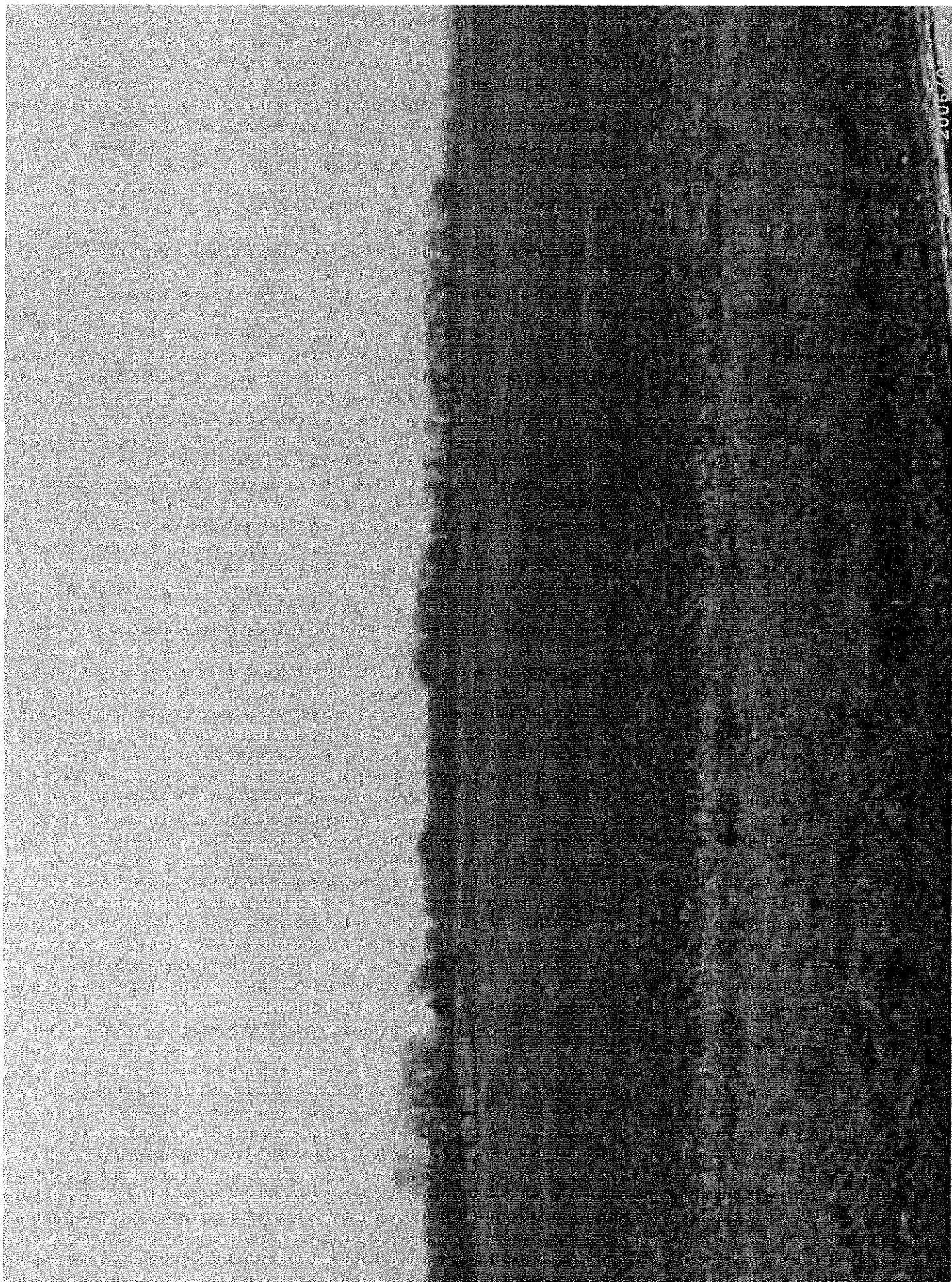
1361'±







2006/01/05



2006/01/03